

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ZHENHUA LOGISTICS (HONG KONG)
CO., LTD.,

No. C-13-2658 EMC

Plaintiff,

v.

METAMINING, INC., *et al.*,

Defendants.

**ORDER RE BRIEFING SCHEDULE
AND HEARING DATE FOR
PLAINTIFF'S EX PARTE
APPLICATION FOR A WRIT OF
ATTACHMENT, TEMPORARY
RESTRAINING ORDER, AND
PRELIMINARY INJUNCTIVE RELIEF**

(Docket No. 8)

Plaintiff has filed suit against Defendants, asserting claims for, *inter alia*, breach of contract and fraudulent transfer. Plaintiff has filed an application, asking that the Court issue a writ of attachment and a temporary restraining order on an ex parte basis (*i.e.*, without notice to Defendants). Plaintiff argues that, if it were required to give notice of its request for relief, there would be “a great danger” that Metamining would divert its assets, including but not limited to any shares in Ouro, outside of California. App. at 12. While the Court is not without any sympathy to Plaintiff’s concerns, it does not agree with its position that notice is unnecessary. Plaintiff’s application has raised a number of substantial issues that warrant a response, and Defendants should be given the opportunity to respond to such¹ before the Court decides whether a writ of attachment

¹ For example, Plaintiff suggests that Mr. Chen and Mr. Li received partial ownership interests in Ouro from Metamining without providing any consideration. Moreover, there is not sufficient information to assess the balance of the hardships.

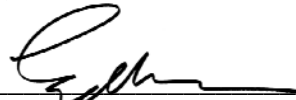
1 or injunctive relief is necessary. While Plaintiff asserts there is great urgency, the Court notes that
2 the suspected fraudulent transfers have occurred over a substantial period of time.

3 Accordingly, the Court hereby orders that Plaintiff *immediately* provide notice to Defendants
4 of (1) the operative complaint, (2) the pending application for relief (including all supporting
5 declaration), and (3) this order. Plaintiff shall provide a proof of service certifying that notice was
6 given (and by what means) no later than 10:00 a.m. on June 13, 2013.

7 **Defendants' opposition to Plaintiff's application shall be filed by 5:00 p.m., Monday,**
8 **June 17, 2013. There shall be no reply absent further order. A hearing on Plaintiff's**
9 **application shall be held on Thursday, June 20, 2013, at 9:00 a.m.**

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11 IT IS SO ORDERED.

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13 Dated: June 12, 2013

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16 EDWARD M. CHEN
17 United States District Judge
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